

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

J.B., a minor child, by and)
through his next friend,)
Addie Ward, on behalf of)
himself and all others)
similarly situated,)
)
Plaintiff,)
) CIVIL ACTION NO.
v.) 2:06cv755-MHT
)
WALTER WOOD, in his)
individual capacity,)
)
Defendant.)

J.B., a minor child, by and)
through his next friend,)
Addie Ward, on behalf of)
himself and all others)
similarly situated,)
)
Plaintiff,)
) CIVIL ACTION NO.
v.) 2:06cv908-MHT
)
WALTER WOOD, in his)
individual capacity,)
)
Defendant.)

MOTION FOR SUMMARY JUDGMENT

The Defendant J. Walter Wood, Jr., individually, moves for an entry of summary judgment against the Plaintiffs for all claims in the above referenced cases.

The Plaintiffs bring these consolidated cases¹ because the minor plaintiff J.B. was required to wait in detention before being placed in a DYS facility, allegedly without "treatment" for his juvenile delinquency. The Defendant asserts that no material questions of fact exist to support a claim against the Defendant for damages.

In support of this motion the Defendant submits the following:

Brief In Support

Exhibit 1. J.B. Commitment information

Exhibit 2. Deposition excerpts of the Plaintiff J.B.

Exhibit 3. Affidavit of J. Walter Wood, Jr., and

¹ The cases are essentially identical. Apparently the Plaintiffs filed the second lawsuit in an unsuccessful attempt to avoid the Prison Litigation Reform Act's bar. (See Prison Litigation Reform Act, below.)

Exhibit 4. Affidavit of Pat Pendergast,

Respectfully submitted
TROY KING
ATTORNEY GENERAL

s/ T. Dudley Perry, Jr.

T. Dudley Perry, Jr.
Bar Number: 3985-R67T
Deputy Attorney General
Post Office Box 66
Mt. Meigs, AL 36057
Telephone: (334) 215-3803
Fax: (334) 215-3872
E-Mail:
dudley.perry@dys.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2007,
I electronically filed the foregoing **Motion for Summary**
Judgment, with the Clerk of the Court Using the CM/ECF
system which will send notification of such filing to
the following:

Michael J. Crow, Esq.
BEASLEY, ALLEN, CROW
METHVIN, PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, AL 36103-4160

Robert D. Drummond, Jr., Esq.

ATTORNEY AT LAW

6767 Taylor Circle

Montgomery, AL 36117

s/T. Dudley Perry, Jr.

T. Dudley Perry, Jr.

Bar Number: 3985-R67T

Deputy Attorney General

Attorney For Defendant

J. Walter Wood, Jr.